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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,918	01/26/2004	Alexandre Cheifot		7830

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TANTALUS SYSTEMS CORP.
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CANADA

EXAMINER

DAILEY, THOMAS J

ART UNIT	PAPER NUMBER
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2452

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/763,918	Applicant(s) CHEIFOT ET AL.	
	Examiner Thomas J. Dailey	Art Unit 2452	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 41-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 41-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/12/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 41-48 were added by the amendment filed on 8/31/2009 and substantively include previously presented claims 2000-2007 with amendments.
2. Claims 1-40, 101-129, 1000-1039, 2000-2007, 3000-3002, 4000-4008, 5000-5004, 6000-6004, 7000, and 8000 are cancelled/withdrawn as of the entered amendment.
3. Claims 41-48 are pending.

Response to Arguments

4. The claim objections and previous 35 U.S.C. 112 second paragraph rejections have been withdrawn in light of the entered amendments.
5. Applicant's arguments with respect to the prior art rejections of the claims have been considered but are moot in view of the new ground(s) of rejection.

Information Disclosure Statement

6. The information disclosure statement (IDS) submitted on 6/12/2008 is in compliance with the provisions of 37 CFR 1.97, as the applicant has filed a copy of the Hartwig reference (WO 2004/004246). Accordingly, the examiner has included a properly annotated copy of the IDS with the instant office action.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 48 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
9. Claim 48 recites, “the time outside the station” (line 3). “The time” lacks clear antecedent basis in the claim.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 41, 42, 44-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Gray, III et al (US Pub. No. 2002/0150053), hereafter “Gray.”
12. As to claim 41, Gray discloses a method of homogenizing a network having a first heterogeneous element that produces a first output (Fig. 3, label 331, and

[0066]), the gateway produces an output that is sent to the variable delay network), and a second heterogeneous element that produces a second output (Fig. 3, label 311 and [0066]; constant delay network produces an output that goes to the gateway) comprising the step of providing a service to the second heterogeneous element to make said second output appear to be of an element that has the same sentient nature as said first heterogeneous element (Fig. 3 and [0066]; the gateway (the first heterogeneous element) generates a timestamp so the original output of the constant delay network conforms to the requirements of a variable delay network (i.e., of the same time sentient nature of the gateway and other elements of the variable delay network)).

13. As to claim 42, Gray discloses the first heterogeneous element is a fuller functional station having a set of features (Fig. 3 and [0066]) and said second heterogeneous element is a lesser functional station having a reduced set of features than said fuller functional station has, and said first heterogeneous element provides a service to said second heterogeneous element so that the output of said second heterogeneous element approximates that of said fuller functional station (Fig. 3 and [0066]; the gateway (the first heterogeneous element) can read and adjust constant delay network timestamps and further generate variable delay network timestamps; an element of the constant delay network (second element) has no such functionality (i.e. in this respect is has "a reduced set of features than said fuller functional station)).

14. As to claim 44, Gray discloses the method of claims 42 or 43, wherein said fuller functional station is fully time sentient and said lesser functional station is limited time sentient, where fully time sentient means said fuller functional station has a clock that is coordinated with the time of a third station (Fig. 3 and [0066]; the gateway (fuller functional station) is coordinated with the common time base (Fig. 3, label 322) of the variable delay network), and said limited functional station has a clock that cannot be so coordinated (Fig. 3 and [0066]; constant delay networks do not coordinate with the time base of the variable delay network, hence they require use of the gateway).

15. As to claim 45, Gray discloses said lesser functional station inherits a Contextual Attribute from its custodial, fuller functional station (Fig. 3 and [0066]; gateway provides timing information (i.e. contextual attribute) for constant time variable networks).

16. As to claim 47, Gray discloses each station is time-sentient ([0066]).

17. As to claim 48, Gray discloses the time-sentience of one station means that it has an internal counter that cannot coordinate with the time outside the station, and the time-sentience of a second station means that it has an internal counter that does coordinate with time outside itself (Fig. 3 and [0066]; the gateway (fuller

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functional station) is coordinated with the common time base (Fig. 3, label 322) of the variable delay network; the constant delay network's elements do not coordinate with the time base of the variable delay network, hence they require use of the gateway).

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claim 43-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gray in view of "Content-Based Addressing and Routing: A General Model and its Application" (Carzaniga, Antonio et al.; University of Colorado, Department of Computer Science Technical Report, January 2000), hereafter "Carzaniga."

20. As to claim 43, Gray does not disclose said lesser functional station is equipped to send a Contextual Addressing Scheme message but cannot receive a Contextual Addressing Scheme message. That is, Gray does not explicitly

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disclose the capabilities of the constant delay network elements with regards to any addressing schemes.

However, Carzaniga discloses content-based addressing and content based address messages in a networked environment (Abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Gray and Carzaniga in order to utilize a known addressing format for the existing heterogeneous network of Gray.

21. As to claim 44, Gray discloses the method of claims 42 or 43, wherein said fuller functional station is fully time sentient and said lesser functional station is limited time sentient, where fully time sentient means said fuller functional station has a clock that is coordinated with the time of a third station (Fig. 3 and [0066]; the gateway (fuller functional station) is coordinated with the common time base (Fig. 3, label 322) of the variable delay network), and said limited functional station has a clock that cannot be so coordinated (Fig. 3 and [0066]; constant delay networks do not coordinate with the time base of the variable delay network, hence they require use of the gateway).

22. As to claim 45, Gray discloses said lesser functional station inherits a Contextual Attribute from its custodial, fuller functional station (Fig. 3 and [0066]; gateway provides timing information (i.e. contextual attribute) for constant time variable networks).

23. As to claim 47, Gray discloses each station is time-sentient ([0066]).

24. As to claim 48, Gray discloses the time-sentence of one station means that it has an internal counter that cannot coordinate with the time outside the station, and the time-sentence of a second station means that it has an internal counter that does coordinate with time outside itself (Fig. 3 and [0066]; the gateway (fuller functional station) is coordinated with the common time base (Fig. 3, label 322) of the variable delay network; the constant delay network's elements do not coordinate with the time base of the variable delay network, hence they require use of the gateway).

25. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gray, as applied to claim 42, in view of what was well known in the art at the time of the invention, and rejected under 35 U.S.C. 103(a) as being unpatentable over Gray in view of Carzaniga, as applied to claim 43 above, and in further view of what was well known in the art at the time of the invention.

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26. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gray, as applied to claim 42, in view of what was well known in the art at the time of the invention, and rejected under 35 U.S.C. 103(a) as being unpatentable over Gray in view of Carzaniga, as applied to claim 43 above, and in further view of what was well known in the art at the time of the invention.

27. As to claim 46, neither Gray nor Carzaniga explicitly disclose that said fuller functional station has a back-up battery and the lesser functional station does not have a back-up battery. However, Official Notice (see MPEP 2144.03) is taken that the use of battery backups (and, conversely, their absence) in networked environments was well known at the time of the invention. Therefore, it would have been obvious to one of ordinary skill in the art to utilize battery backups in Gray's gateways (i.e. the fuller functional station) and other more essential elements of Gray's network so as to maintain limited functionality through temporary power losses.

Conclusion

28. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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29. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Dailey whose telephone number is 571-270-1246. The examiner can normally be reached on Monday thru Friday; 9:00am - 5:00pm.

31. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thu Nguyen can be reached on 571-272-6967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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32. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. J. D./
Examiner, Art Unit 2452

/THU NGUYEN/
Supervisory Patent Examiner, Art Unit 2452